



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 18, 2006

MEMORANDUM TO: AGC-DOT Joint Cooperative Committee Members

FROM: E. C. Powell, Jr., PE
State Construction Engineer

SUBJECT: Minutes to the Joint Committee Meeting

The Joint Cooperative Committee of the AGC-DOT met at 10:00 AM on July 20, 2006, in the Chief Engineer's Conference Room at the NCDOT Maintenance and Equipment Facility located on Beryl Road in Raleigh.

Members and attendees present included:

Debbie Barbour
Victor Barbour
Stuart Bourne
Steve Claggett
Bill Copeland
Steve DeWitt
Randy Garris
Carl Goode
Ron Hancock
Kevin Harris
Berry Jenkins

Cecil Jones
Bill Loflin
Michelle Long
Meredith McDiarmid
Jeff Mann
Graham Moore
Jon Nance
Ellis Powell, Jr.
Bill Rosser
Ron Shaw

Ted Sherrod
John Sullivan
Shannon Sweitzer
Bill Tomlinson
Steve Varnedoe
Rick Vick
Don Voelker
Matt Wilkerson
Sherell Williams
Sim Wooten, Jr.

Project Lettings and Funding Status.....Debbie Barbour, Len Sanderson

- Ms. Debbie Barbour advised that the Department has posted the revised 12-Month and the Design-Build letting lists on the NCDOT web site. The Department has performed a preliminary financial review of proposed lettings for calendar years 2006, 2007 and 2008 and the anticipated letting amounts per year are \$600 million, \$825 million and \$850 million, respectively. These amounts reflect the letting of T.I.P. projects. The proposed amount let in 2006 includes the Washington Bypass and the Design-Build projects. Currently, \$230 million remains to be let in calendar year 2006; half of which is allocated for design-build

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projects R-4463B, NC 43 Connector in Craven County; R-2813B, NC 146 (Long Shoals Road) in Buncombe County and I-2808A, I-77 Pavement Rehabilitation in Yadkin County. Ms. Barbour advised that these letting amounts are for current construction costs, if the construction costs increase, the Department may defer the letting of projects. Recently, the Department deferred projects five months through the September 2006 letting and scattered the letting dates of the remaining projects. Mr. Berry Jenkins asked if the projects funded by the Garvey bonds were included in the letting amounts and if the industry could obtain an electronic copy of the projects that would be funded by the Garvey bonds. Ms. Barbour advised that the letting amounts she discussed did not include projects funded by Garvey bonds and she advised that the Department would provide the industry with an electronic copy of the finalized list of projects funded by Garvey bonds. Ms. Barbour advised that the Department currently has \$607 million in the Highway and Highway Trust funds.

- Mr. Steve Varnedoe advised that the spending for resurfacing has increased from \$189 million to \$269 million. The Divisions have been asked to prepare bid packages and have them ready to be let this fall for the next construction season.

Legislative Update.....Susan Coward

- Ms. Susan Coward was unable to attend the meeting; however, Mr. Berry Jenkins advised that he briefed the industry on the legislative updates.
- Mr. Steve Varnedoe discussed the legislative updates for the Secondary Roads Program. He advised that last year House Bill 750 was passed which changed the method of allocation of funding for the Secondary Roads Program. House Bill 750 changed the formula for allocating, which resulted in \$68.7 million allocated for paved road improvements and the remaining allocated for paving. House Bill 825 was introduced to make a technical correction to House Bill 750 for the formula allocating the funding for paved road improvements. House Bill 825 was approved in the House, but was rejected in the Senate. In addition, the Senate added an amendment to the House Bill 825, which repeals last year's House Bill 750. At this time, House Bill 825, as amended, is in conference.

Publishing Bid Tabs After Award.....Graham Moore

- Mr. Graham Moore advised that after the last CAGC-DOT Joint Meeting, other industry firms were polled concerning publishing bid tabs after award of the contract. The industry did not have any concerns with publishing the bid tabs after award of the contract; therefore, Mr. Moore officially requested the Department to publish bid tabs after award of the contract. Mr. Victor Barbour advised that the Department will not publish the bid tabs on the web site prior to award of the contract; however, if the Department receives requests for bid tab

information, the Department is required to produce that information in accordance with Public Records requests.

Update on Archaeologist Review.....Debbie Barbour

- Ms. Debbie Barbour responded to the industry's concern of increased archaeology reviews on proposed borrow sites that was discussed during the May 2006 CAGC-DOT Joint Committee meeting. Ms. Barbour introduced Mr. Matt Wilkerson, Lead Archaeologist with the Department of Transportation and Mr. Steve Claggett, State Archaeologist for the Division of Cultural Resources (DCR) to discuss the procedures.
- Mr. Wilkerson distributed a handout of the regulations for performing archaeological reviews, provided by the Federal Highway Administration (FHWA). He advised that the Department makes an effort during the planning process, with the help of FHWA guidelines, to identify archaeological sites. Mr. Wilkerson also advised that archaeological reviews for borrow pits are handled by DCR.
- Mr. Claggett of DCR, advised that his office reviews borrow pit sites for the presence of archaeological sites or historic buildings or the potential of archaeological sites, compares the proposed borrow pits to site records and maps that DCR maintains for the entire state and provides a recommendation to the Department. In some cases, an archaeological survey is requested, which requires inspection of the site to see what is there and to make an assessment. In cases where there is a known archaeological site, an evaluation is required.
- Mr. Claggett advised that borrow pits go through the same review process for archaeological sites as every other site and that a small number of significant sites overall (including borrow pits) require additional processes such as investigation, avoidance, etc. DCR reviews approximately 4,000 projects per year (including borrow pits), less than ten percent are recommended for an archaeological survey and one percent of those are further processed. Mr. Claggett advised that borrow sites vary throughout the State; however, there is a high coincidence that the soil type of proposed borrow sites are the same as Native American sites. The recommendations of surveys are based on what is known about the site and the occurrence of archaeological sites based on similar conditions.
- The contracting industry would like to have technology available that could make Contractors aware of potential acceptable and troublesome areas when considering borrow sites. Mr. Claggett advised that there is a process in place; currently a seven county area (in the Piedmont region) is being utilized as a pilot and that additional funding is needed for the remaining 93 counties.

DBE Program Issues.....Steve DeWitt

- Mr. Steve DeWitt distributed two handouts, Policy for Replacement of Disadvantaged Business Enterprises (DBE) and Letter of Intent to Perform as a Subcontractor. The CAGC/DOT/DBE Committee has sent draft copies of both documents to Department and

industry representatives for review and comments. In addition, the DBE replacement policy and the Letter of Intent form will be discussed at the next Minority Contracting Expansion Council (MCEC) meeting. After inclusion of comments, the DBE replacement policy will become a part of Department policy.

- The contracting industry advised that the DBE replacement policy may not be in the best interest of the program because the replacement of a DBE subcontractor is a labor-intensive process; therefore, prime contractors are not encouraged to list DBE subcontractors above the contract goal. The industry also questioned who would provide concurrence for replacement of DBEs. The Department advised that the Resident Engineer would write the letter of concurrence.

Work Zone Issues.....Stuart Bourne

- Mr. Stuart Bourne updated the committee on the Work Zone Safety and Mobility Policy, which was published on September 9, 2004, and has a compliance date of October 12, 2007. Mr. Bourne advised that the key items are to identify work zone impacts and systematically consider the construction impacts beyond physical limits of projects, with an emphasis of identifying and considering the impacts during the planning stage as well as the design and construction stages. The other key item of the new policy requires that each department receiving federal funds to write policy with these considerations. The Department has formed a committee with representatives from across the Department that has completed a draft policy. Mr. Berry Jenkins questioned how this would affect the contracting industry. Mr. Bourne advised that the construction impact decisions will be made early in the process and those decisions would be considered throughout the planning and design stages.
- Ms. Meredith McDiarmid updated the committee on the Work Zone Certification Program. Ms. McDiarmid advised that the program is a self-certification program, which allows a Contractor to certify their employees, maintain certification records and provide the record of certification when requested. The Department is also working with Institute for Transportation Research and Education (ITRE) and American Traffic Safety Services Association (ATSSA) to be available to provide training when needed. The Department is finalizing the qualifications and training documents and plans to have those completed by the end of 2006. The Work Zone Certification has three levels of certification, Supervisor, Installer and Flagger. Ms. McDiarmid advised that the goal is to have the first phase of the certification program (Supervisor certification) in place by mid 2007, Installer certification by the end of 2007 and the Flagger certification by mid 2008. A six-month gap is planned between beginning each level of certification to allow for any changes that may be needed. The Department plans to advertise the upcoming Work Zone Certification Program in Encroachment Agreements and Contract Advertisements. The Department is also working diligently to obtain commitment from utility companies.

Electronic Design Data for Construction Use.....Shannon Sweitzer

- Mr. Shannon Sweitzer advised that the Department has established an internal work group to improve/update the Department's knowledge and use of Global Positioning System (GPS), Machine Guidance, electronic and three-dimensional plans. The work group has been discussing the provision of electronic plans, how to perform inspection when machine guidance is used by the Contractor, stakeless construction and earthwork. The industry has requested pre-bid electronic plans to aid in their bidding process. The Department has selected four projects for which DTM files will be provided. Mr. Victor Barbour advised that the contractors must request the electronic files for the selected projects when they are available through the NCDOT letting page and sign a disclaimer that the electronic file was received. A confirmation of the file delivery date and filename will be kept on file as to when it was received. Mr. Steve DeWitt commented that the ACEC/DOT steering committee has also been involved with this issue.

Fuel Adjustment "Opt Out" Provision.....Victor Barbour

- Mr. Victor Barbour distributed a letter that was sent to all prospective contractors that states effective with the August 15, 2006 letting, the Fuel Price Adjustment Provision will be included in all contracts that contain an item on the Fuel Price Adjustment List. This policy will be implemented on all projects centrally let.
- Mr. Victor Barbour distributed a draft of the revised Fuel Price Adjustment Special Provision for review and comment. The provision states that the contractor has the option to receive or decline fuel price adjustments throughout the life of the contract. A second draft provision was distributed which states that for the electronic file, a check box has been created for the contractor's decision about the use of fuel price adjustments throughout the life of the project. The decision cannot be changed once it is made.

Dewatering Borrow Pits.....Ted Sherrod

- Mr. Ted Sherrod distributed a handout consisting of a letter from the Division of Water Quality (DWQ) referencing Best Management Practices (BMP) Protocol for Borrow Pit Dewatering and the Procedure for Monitoring Borrow Pit Discharge. Mr. Sherrod highlighted several items of the Procedure for Monitoring Borrow Pit Discharge. He stated that the contractor is to take a sample at a location upstream and downstream of the discharge. If the turbidity is 50 NTU or less upstream of the discharge location (considered the natural background), the contractor cannot exceed discharging 50 NTU. If the natural background turbidity measurement is greater than 50 NTU, the discharge cannot exceed the natural background turbidity. The Contractor should be prepared to sample at a location upstream from the discharge and measure and record the turbidity test results (time, date, and

sampler) at all defined sampling locations 30 minutes after startup and at a minimum, one additional sampling of all sampling locations during that 24-hour period in which the borrow pit is discharging. The last page of the handout outlines BMP turbidity reduction options for borrow pits. The reduction options are separated into two matrices, Tier I and Tier II. The Tier I options are to be used when the numerical turbidity standard is not being achieved at a site through the use of the standard BMPs of properly designed, constructed and operated stilling basins. The Tier II methods are for rare and unique resources, which are identified in the 401 WQ Certification. The dewatering measurement protocol will be included in the fall lettings, but will not be retroactive for existing contracts.

Update on Erosion and Sediment Control/Storm Water Certification Program....Ted Sherrod

- Mr. Ted Sherrod advised that a Certification Advisory Committee was created to address concerns of the program. There was a concern of an open book or closed book exam format; the materials are now available for open book exams. The Department is obtaining ethnicity and other demographic information on a volunteer basis to determine, if there are areas that need to be reviewed more thoroughly. The Department has begun the process of addressing the Hispanic audience by translating course and exam materials into Spanish, and creating an English video of the course material and having it translated into Spanish. The Department is in the process of creating the Level III Certification, which impacts the designers of erosion control plans and reclamation plans. The work group plans to begin the Level III Certification training in 2007 for Contractors, Private Engineering Firms and Department personnel. Mr. Sherrod advised 1,500 people have completed the Site Management Certification and 200 people have completed Level I (Installer) Certification, both levels have a successful completion rate of 88 percent.
- Mr. Sherrod advised that the Department is working on the concern of erosion control quantities, two of which are the adjustment of silt excavation and the design criteria of sediment basin storage requirements, primarily in the eastern North Carolina counties. Mr. Sherrod advised the committee that the annual delegation review of the North Carolina Department of Transportation Erosion Control and Sedimentation Program would occur this fall by the regulatory agencies. The regulatory agencies will review 16 projects statewide between August 2006 and October 2006.

DOT/CAGC Conferences for Winter 2007.....Berry Jenkins

- Mr. Berry Jenkins advised that winter 2007 is the normal schedule of the DOT/CAGC conferences and wanted to know if the Department was interested in holding the conferences. Mr. Steve Varnedoe and Mr. Steve DeWitt were in agreement to hold the conferences. Mr. Graham Moore and Mr. DeWitt will form a work group to pursue planning the conferences.

Additional Miscellaneous Issues.....Committee Members

- Mr. Berry Jenkins advised that the industry has a perception that Department field personnel are making contract administration decisions based on the financial situation versus good engineering judgment. The industry specifically is concerned with elimination of items on projects that could degrade the integrity of the project. Mr. Steve Varnedoe advised that the Department has set targets to manage project completion and cost overruns. He also advised that both Department personnel and the contracting industry need to be aware of costs incurred for additional items, but decisions for the projects should be made based on sound engineering judgement.

The next meeting will be scheduled for September 21, 2006, at 10:00 AM at the Chief Engineer's Conference Room at Beryl Road, in Raleigh.

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Mr. Dan DeVane

Mr. W. D. Riddick

Mr. Roberto Canales, PE

Ms. Susan Coward

Mr. L. A. Sanderson, PE

Mr. W. S. Varnedoe, PE

Ms. D. M. Barbour, PE

Mr. S. D. DeWitt, PE

Mr. W. F. Rosser, PE

Mr. L. D. Love, PE

Mr. B. G. Jenkins, Jr., PE

Mr. C. L. Jones, PE

Mr. J. V. Barbour, PE

Mr. Art McMillan, PE

Mr. C. W. Leggett, PE